



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite
Fairbanks, Alaska 99709-4910

Public Notice of Application for Permit

PUBLIC NOTICE DATE: May 28, 2009

EXPIRATION DATE: June 28, 2009

REFERENCE NUMBER: POA-2008-980

WATERWAY: Tanana River

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Sharon Seim at (907) 474-2166, by fax at (907) 474-2164, or by email at Sharon.G.Seim@usace.army.mil if further information is desired concerning this notice. **After June 18, 2009, please send comments to Ellen Lyons at Ellen.H.Lyons@usace.army.mil.**

APPLICANT: Mr. R. Stephen Cary, Post Office Box 81195, Fairbanks, Alaska 99708-1195, (907) 322-1060

LOCATION: The project site is located within Section 22, T. 1 S., R. 2 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.8087° N., Longitude -147.9391° W.; Tract 3, Aurora Husky 1st Addition; near Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to construct rental cabins.

PROPOSED WORK: The applicant proposes to discharge 3,700 cubic yards (cy) of material into 1.13 acres of waters of the U.S., wetlands, to construct eight rental cabins and associated infrastructure. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated May 22, 2009.

ADDITIONAL INFORMATION: On August 20, 2008, the applicant received after-the-fact authorization for the discharge of 200 cy of fill into 0.24 acres of wetlands for the construction of two rental cabins, two driveways, and an access road (DA permit POA-2008-980-D, Tanana River). The applicant now proposes to construct eight additional cabins per the attached plans. Cabins would be built two at a time, and it may take several years to complete all construction.

Cabin pads are sized to accommodate a 24' x 24' cabin, parking spaces for two vehicles, and enough additional room for ancillary personal effects such as dog kennels, a storage shed, a sitting area, etc. Cabins are broadly-spaced across the property because the applicant seeks low-density housing that retains open space between and behind residences. The design would also accommodate possible future subdivision.

The applicant anticipates using above-ground engineered sewage treatment plants for six of the cabins, thus he is requesting authorization for just two fully-contained, pumpable outhouses.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

- a. Avoidance: The applicant states that the entire property is comprised of wetlands, thus avoidance is impossible.
- b. Minimization: The total length of driveways was reduced 200 feet over the original proposal. The access road will be as narrow as possible while still meeting Borough requirements. Toe slopes would be decreased from the originally proposed 2:1 slope to 1.5:1 in order to reduce the project footprint.
- c. Compensatory Mitigation: The applicant did not propose compensatory mitigation. The total wetland impact would be less than 1.5 acres, including the 0.24 acres of wetland impacts previously authorized. The project design retains more than ten acres of wetlands. By shortening the driveways, the acreage around the perimeter of the property would be undisturbed and allowed to function as a wetland buffer.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the

Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

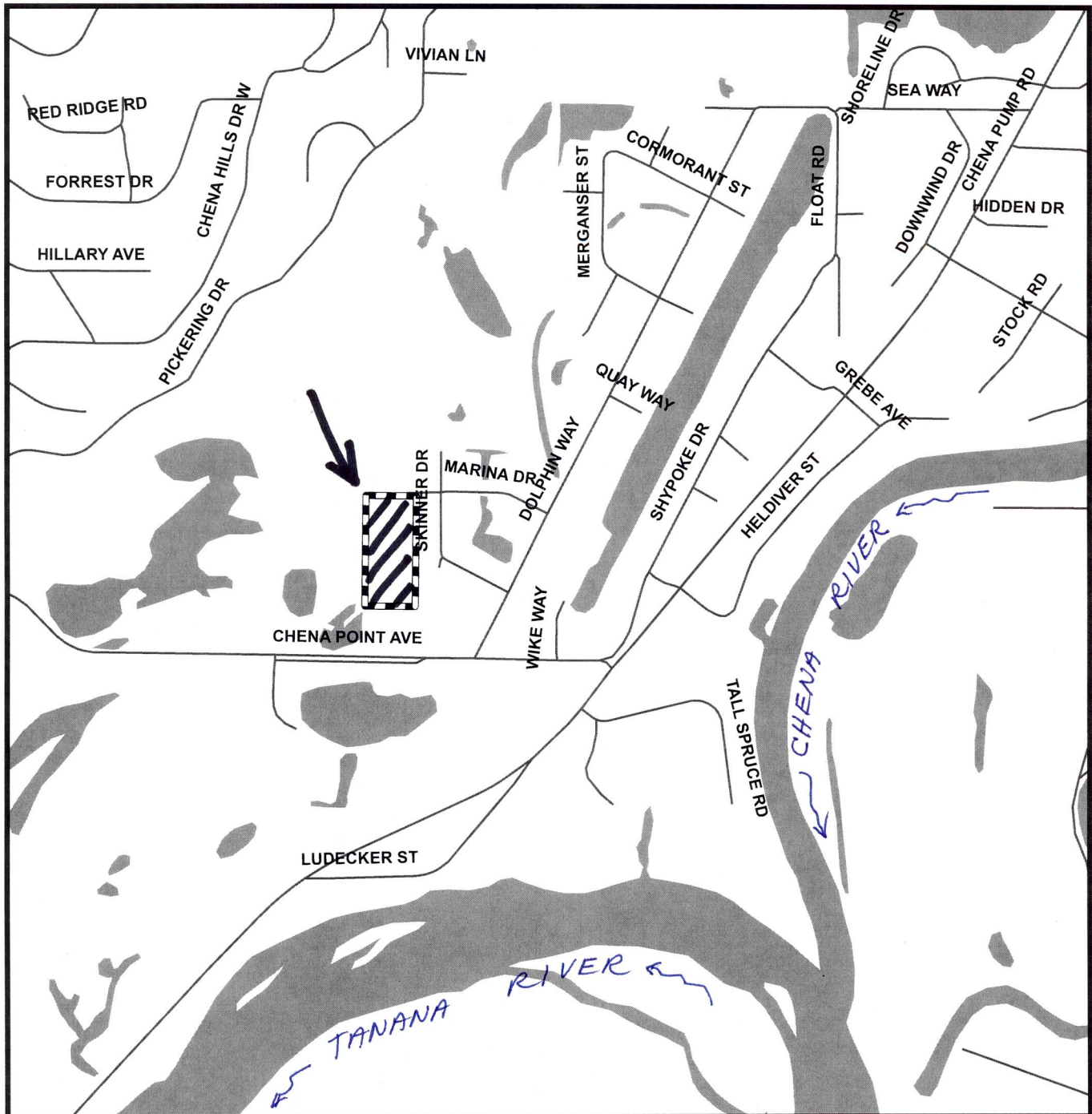
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2008-980, Tanana River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.




After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.

Location Map: POA-2009-980



Legend

-  POA-2009-980 Cary
-  FNSB Roads
-  FNSB water

ArcGIS 9.3 Map
Compiled By: SGS
Date: 05/22/2009

0 405 810 1,620 2,430 3,240 Feet

1:16,410
1 inch equals 1,368 feet

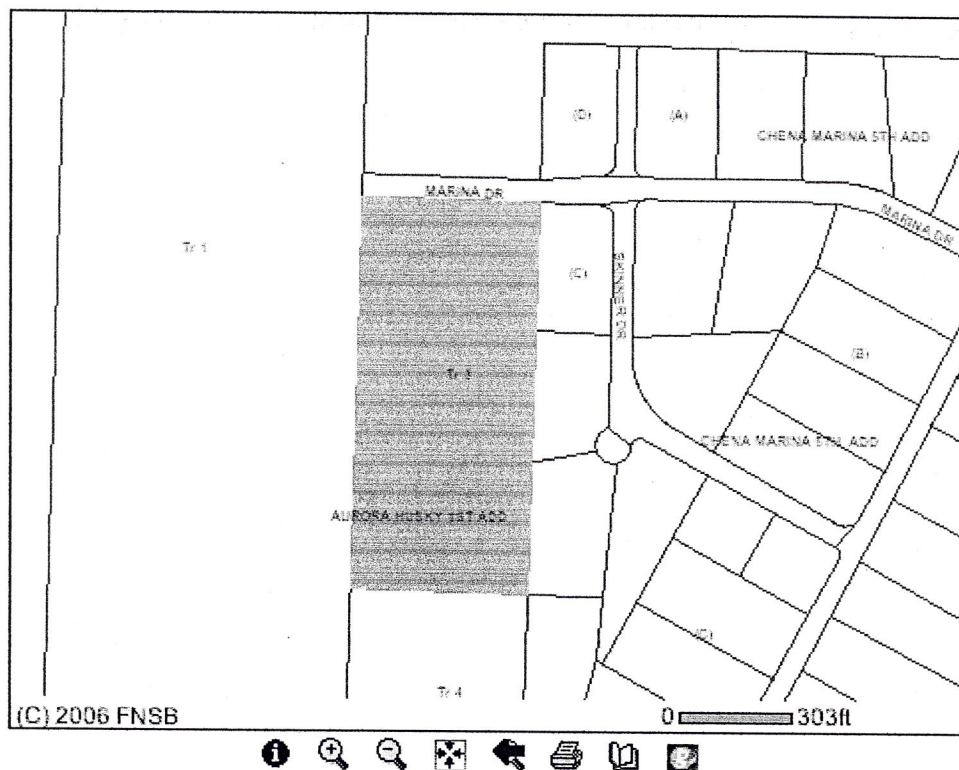


R. Stephen Cary
POA-2008-980, Tanana River
Plans prepared: May 22, 2009, by S. Seim

Project Location

1" = 1,368 feet

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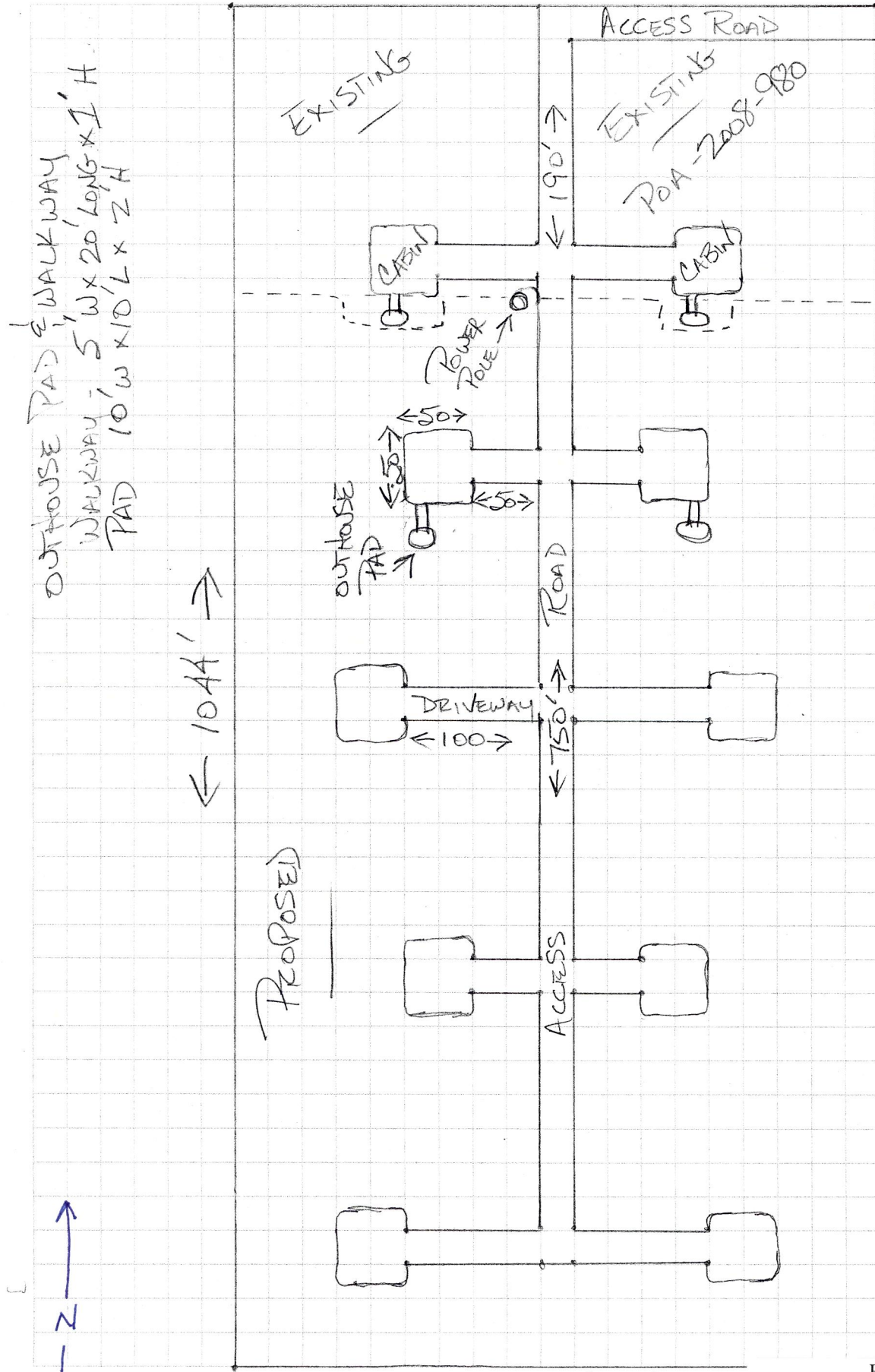


APPLICANT : STEPHEN CARY
PROJECT : TUSsock ACRES

VICINITY MAP

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MARINA DR. (UNFINISHED)



R. Stephen Cary
POA-2008-980, Tanana River
Plans prepared: May 22, 2009, by S. Seim

Project Plan
1" ≈ 100 feet

Block 21

$$\frac{45.5 \times 45.5 \times 3}{27} = 231 \text{ CY Pit Row / PAD}$$

$$8 \text{ PADS} \times 231 \text{ CY} = 1,848 \text{ CY}$$

$$\frac{750 \times 21 \times 2}{27} = 1,166 \text{ CY ACCESS RD}$$

$$\frac{600 \times 15 \times 2}{27} = 670 \text{ CY DRIVEWAYS}$$

$$3,684 \text{ CY}$$

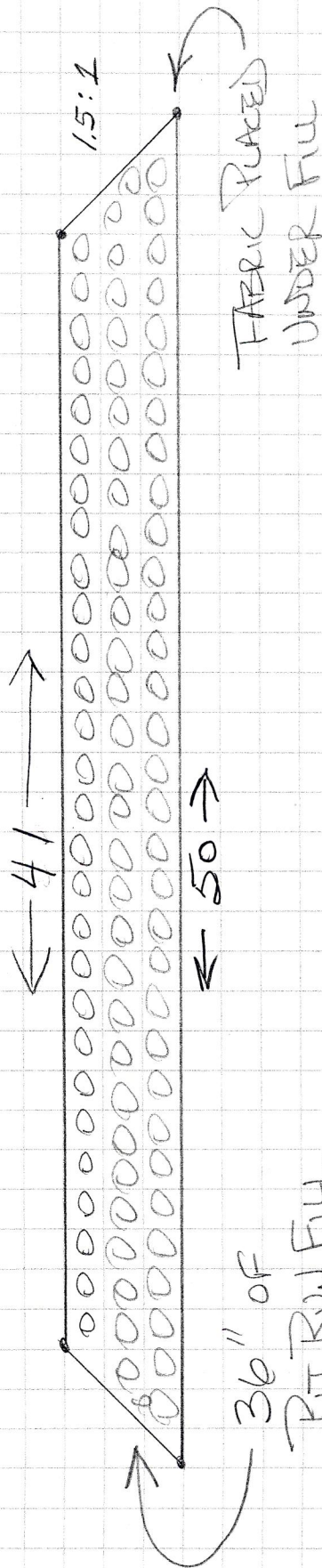
$$\frac{5 \times 20 \times 1}{27} = 3.7 \text{ CY OUTHOUSE WALKWAY}$$
$$\times 2 = 7.4 \text{ CY}$$

$$\frac{10 \times 10 \times 2}{27} = 7.4 \text{ CY OUTHOUSE PAD}$$
$$\times 2 = 14.8 \text{ CY}$$

PROJECT

3,706.2 CUBIC
YARDS

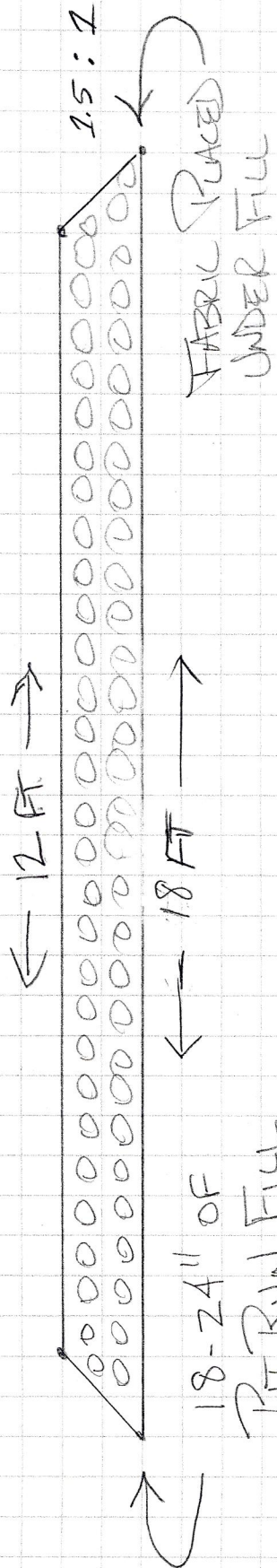
PAD CROSS SECTION



APPLICANT : STEPHEN CARY
PROJECT : TUSSOCK ACRES

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DRIVEWAY CROSS SECTION

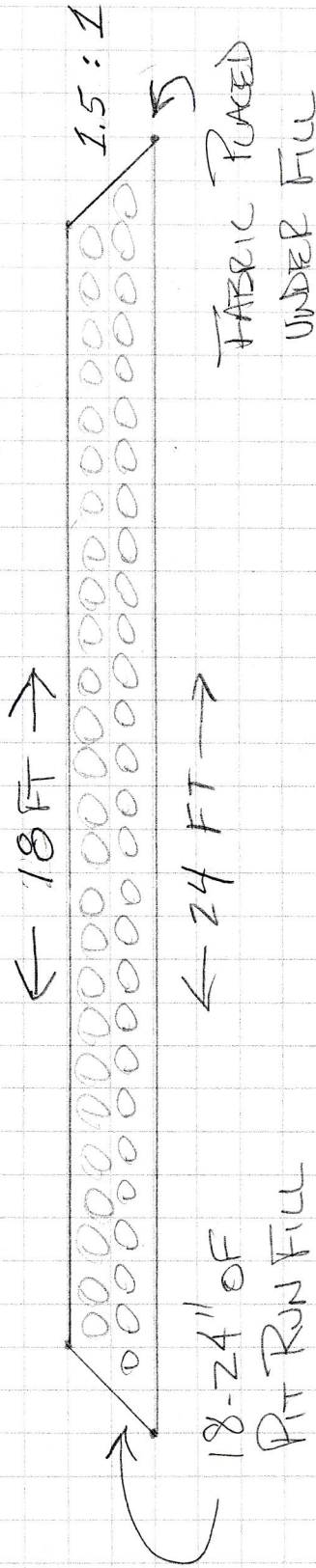


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Driveway Section
NTS

Access Road Cross Section



APPLICANT: STEPHEN CARY
PROJECT: TUSsock ACRES